

COPY

AO 441 (Rev. 8/01) Third Party Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

PLAINTIFF

Banco Popular Dominicano, C. Por A.

V. DEFENDANT AND THIRD PARTY PLAINTIFF

Levi Strauss & Co.

THIRD PARTY SUMMONS IN A
CIVIL ACTION

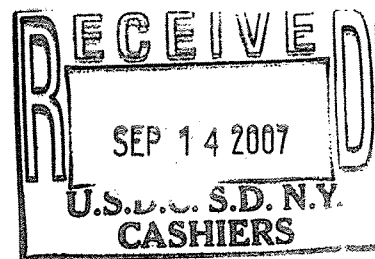
Case Number: 07 Civ. 6443 (LTS) (THK)

V. THIRD PARTY DEFENDANT

Industria Cartonera Dominicana, S.A. (Smurfit)

To: Name and address of Third Party Defendant

Industria Cartonera Dominicana, S.A. (Smurfit)
1000 Sawgrass Corporate Parkway, Suite 120
Sunrise, Florida 33323
Attn: President



YOU ARE HEREBY SUMMONED and required to serve on

PLAINTIFF'S ATTORNEY (name and address)

Mary Ellen Shuttleworth, Esq.
HERRICK, FEINSTEIN LLP
2 Park Avenue
New York, NY 10016

DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY
(name and address)

COOLEY GODWARD KRONISH LLP
1114 Avenue of the Americas
New York, NY 10036
Attn: Ronald R. Sussman, Esq.
(212) 479-6000

-and-

Attn: Robert L. Eisenbach III, Esq.
101 California Street, 5th Floor
San Francisco, CA 94111-5800

an answer to the third-party complaint which is served on you with this summons, within _____ days after the service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default may be taken against you for the relief demanded in the third-party complaint. There is also served on you with this summons a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

AUG 27 2007

CLERK

DATE

(By) DEPUTY CLERK

AO 441 (Rev. 8/01) Third Party Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	
NAME OF SERVER	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"> <input type="checkbox"/> Served personally upon the third-party defendant. Place where served: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Returned unexecuted: </div> <div> <input type="checkbox"/> Other (specify): </div>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> Executed on _____ Date </div> <div style="width: 60%;"> _____ <i>Signature of Server</i> </div> </div> <div style="text-align: center; margin-top: 20px;"> _____ <i>Address of Server</i> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

AFFIDAVIT OF SERVICE

**UNITED STATES DISTRICT COURT
SOUTHERN District of New York**

Index Number: 07 CIV.6443 (LTS) (T)

Date Filed: 8/27/2007

Plaintiff:

BANCO POPULAR DOMINICANO, C. POR A.

vs.

Defendant:

LEVI STRAUSS & CO

For:

COOLEY GODWARD KRONISH LLP
1114 Avenue Of The Americas
New York, NY 10036

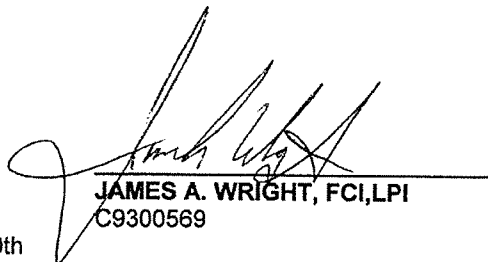
Received by J. A. WRIGHT & ASSOCIATES to be served on **INDUSTRIA CARTONERA DOMINICANA, S.A. (SMURFIT), 1000 SAWGRASS CORPORATE PARKWAY, SUITE 120 SUNRISE, FLORIDA 33323.**

I, JAMES A. WRIGHT, FCI,LPI, being duly sworn, depose and say that on the **29th day of August, 2007 at 4:30 pm, I:**

Served a **THIRD PARTY SUMMONS IN A CIVIL CASE** upon MARIA CABRE, PURCHASING MANAGER who is authorized to accept service on behalf of INDUSTRIA CARTONERA DOMINICANA, S.A. (SMURFIT) the deponent/witness/party.

Description of Person Served: Age: 50, Sex: F, Race/Skin Color: Hispanic, Height: 5' 5", Weight: 120, Hair: Brown, Glasses: N

I certify that I am more than 18 years of age; that I have no interest in the above cause of action; and that I am a private investigator in good standing in the county and/or in the judicial circuit, in which this process was served. Under penalty of perjury, I declare that I have read the foregoing Return of Service and that the facts stated therein are true and correct.


JAMES A. WRIGHT, FCI,LPI
C9300569

Subscribed to and Sworn to before me on the 30th day of August, 2007 by the affiant who is personally known to me.


NOTARY PUBLIC

J. A. WRIGHT & ASSOCIATES
Post Office Box 770385
Coral Springs, FL 33077
(954) 720-9194

Our Job Serial Number: 2007000319
Ref: BANCO V LEVI

